

Ordinance No. 121113

Council Bill No. 114492

AN ORDINANCE vacating the alley in Block 66, A.A. Denny's 5<sup>th</sup> Addition to the City of Seattle, aerial rights over the southerly 230 feet of 8<sup>th</sup> Avenue between Pike Street and Pine Street, aerial rights over the alley in Block 30, Heirs of Sarah A. Bell's 2<sup>nd</sup> Addition located between 8<sup>th</sup> and 9<sup>th</sup> Avenues and Pine and Pike Street, aerial rights over a portion of Pike Street from 7<sup>th</sup> Avenue to the centerline of 8<sup>th</sup> Avenue, aerial rights of portions of Pike Street between 8<sup>th</sup> and 9<sup>th</sup> Avenues, all more fully described herein, on the petition of the Washington State Convention and Trade Center, and accepting a Property Use and Development Agreement, in relation herein, (Clerk File 301557)

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: COM

*Richard Corbin*

Committee Action

*Approved - 3-0: Meluen*

CF No. \_\_\_\_\_

Date Introduced: <u>MAR - 3 2003</u>		
Date 1st Referred: <u>MAR - 3 2003</u>	To: (committee) <u>TRANSPORTATION</u>	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage: <u>4-7-03</u>	Full Council Vote: <u>6-0</u>	
Date Presented to Mayor: <u>4-7-03</u>	Date Approved: <u>4/17/03</u>	
Date Returned to City Clerk: <u>4/17/03</u>	Date Published: <u>2 pp</u>	T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>
Date Vetoes by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

4-7-03 Passed 6-0

CExcused: Meluen, Pagelen

This file is complete and ready for presentation to Full Council! C

*Law Department*

Law Dept. Review

OMP  
Review

U  
City Clerk  
Review

*me*  
The City of Seattle - Legislative Department

RECEIVED

Council Bill/Ordinance sponsored by: CONLIN

FEB 10

RICHARD CONLIN  
COUNCIL MEMBER

*Richard Conlin*

*1 Conlin*

**Committee Action:**

*Approved - 3-0: Melner, Wills, Conlin*

*4-7-03 Passed 6-0*

*(Excused: Melner, Pagelev, Steinbrueck)*

This file is complete and ready for presentation to Full Council.

Committee:

*RC 4/1/03*  
(Initial/Date)

*Law Department*

Law Dept. Review

OMP  
Review

*U*  
City Clerk  
Review

Electronic  
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Indexed

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE  
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

**ORDINANCE** 12113

AN ORDINANCE vacating the alley in Block 66, A.A. Denny's 5<sup>th</sup> Addition to the City of Seattle, aerial rights over the southerly 230 feet of 8<sup>th</sup> Avenue between Pike Street and Pine Street, aerial rights over the alley in Block 30, Heirs of Sarah A. Bell's 2<sup>nd</sup> Addition located between 8<sup>th</sup> and 9<sup>th</sup> Avenues and Pine and Pike Street, aerial rights over a portion of Pike Street from 7<sup>th</sup> Avenue to the centerline of 8<sup>th</sup> Avenue, aerial rights of portions of Pike Street between 8<sup>th</sup> and 9<sup>th</sup> Avenues, all more fully described herein, on the petition of the Washington State Convention and Trade Center, and accepting a Property Use and Development Agreement, in relation herein, (Clerk File 301557)

WHEREAS, there has been filed with the City Council the petition of the Washington State Convention and Trade Center (Clerk File 301557) for the vacation of rights-of-way as herein fully described; and

WHEREAS, following a public hearing on said petition, which commenced on February 17, 1999, said petition was conditionally granted by the City Council; and

WHEREAS, the vacation conditions required by the Seattle City Council either have been fulfilled or the petitioner has guaranteed ongoing fulfillment through the attached Property Use and Development Agreement; and

WHEREAS, pursuant to Seattle Municipal Code Chapter 15.62, the petitioner is exempt for the street vacation fee; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. That the portions of rights-of-way described in Attachment A, be and the same are hereby vacated; also RESERVING to the City of Seattle the right to make all necessary slopes for cuts or fills upon the above-described property in the reasonable original grading of any rights-of-way abutting upon said property after said vacation.

Section 2. That the Property Use and Development Agreement, Recording Number 20021219001862, executed by the Washington State Convention and Trade Center, a copy attached hereto as Attachment B, is hereby accepted.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE  
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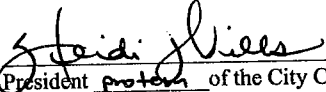


MoirGray/mg  
Blk66Vacation  
02/13/03  
version 1a

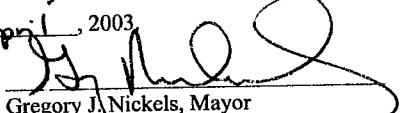
Section 3. That the City Clerk is hereby authorized and directed to file a copy of this Ordinance at the King County Records and Elections Division, and to deliver copies of the same to the Director of the Department of Design, Construction and Land Use, and to the King County Assessor's Office.

Section 4. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 7<sup>th</sup> day of April, 2003, and signed by me in open session in authentication of its passage this 7<sup>th</sup> day of April, 2003.

  
President ~~pro tem~~ of the City Council

Approved by me this 17<sup>th</sup> day of April, 2003

  
Gregory J. Nickels, Mayor

Filed by me this 17<sup>th</sup> day of April, 2003.

  
City Clerk

(Seal)

Attachment A: Descriptions of the portions of rights-of-way being vacated

Attachment B: Property Use and Development Agreement



**ATTACHMENT A**

**WASHINGTON STATE CONVENTION & TRADE CENTER  
EXPANSION PROJECT**

**VACATION NO.1**

**ALLEY IN BLOCK 66, A. A. DENNY'S 5<sup>TH</sup> ADDITION**

**LEGAL DESCRIPTION**

ALL OF THAT PORTION OF THE 16 FOOT WIDE ALLEY IN BLOCK 66, A. A. DENNY'S 5<sup>TH</sup> ADDITION TO THE CITY OF SEATTLE ACCORDING TO THE PLAT THEREOF AS FILED IN VOLUME 1 OF PLATS, PAGE 89, RECORDS OF KING COUNTY WASHINGTON, LYING BETWEEN THE NORTHWESTERLY MARGIN OF PIKE STREET, AS ESTABLISHED BY CITY OF SEATTLE ORDINANCE NO. 10051, AND THE SOUTHEASTERLY MARGIN OF PINE STREET, AS ESTABLISHED BY CITY OF SEATTLE ORDINANCE NO. 14500.

SITUATE IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 25 NORTH, RANGE 4 EAST, W.M., IN THE CITY OF SEATTLE, KING COUNTY, WASHINGTON.

Prepared by **BASELINE** Engineering, Inc.  
**BASELINE** Job No. 97041.1  
File Name: 97041.1LegDesc1.doc  
Date: 01/23/03

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WASHINGTON STATE CONVENTION & TRADE CENTER  
EXPANSION PROJECT

**VACATION NO. 2 - AERIAL**

**PORTION OF 8<sup>TH</sup> AVE. BETWEEN PIKE & PINE STREETS**

**LEGAL DESCRIPTION**

THAT PORTION OF 8<sup>TH</sup> AVENUE, LYING BETWEEN A LINE 4 FEET NORTHWESTERLY OF THE NORTHWESTERLY MARGIN OF PIKE STREET AS ESTABLISHED BY CITY OF SEATTLE ORDINANCE NO. 10051, AND A STRAIGHT LINE CONNECTING THE MOST WESTERLY CORNER OF LOT 4, BLOCK 30, HEIRS OF SARAH A. BELL 2<sup>ND</sup> ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF AS FILED IN VOLUME 1 OF PLATS, PAGE 12, WITH THE MOST NORTHERLY CORNER OF LOT 6, A. A. DENNY'S 5<sup>TH</sup> ADDITION TO THE CITY OF SEATTLE ACCORDING TO THE PLAT THEREOF AS FILED IN VOLUME 1 OF PLATS, PAGE 89, RECORDS OF KING COUNTY WASHINGTON.

THE SOUTHEASTERLY 32.5 FEET OF THE ABOVE DESCRIBED PARCEL LYING BETWEEN ELEVATION 189.6 AND ELEVATION 244.0,

THE NORTHWESTERLY 186.2 FEET OF THE SOUTHEASTERLY 218.7 FEET OF THE ABOVE DESCRIBED PARCEL LYING BETWEEN ELEVATION 166.1 AND ELEVATION 244.0,

AND THAT PORTION OF THE ABOVE DESCRIBED PARCEL LYING NORTHWESTERLY OF THE SOUTHEASTERLY 218.7 FEET THEREOF LYING BETWEEN ELEVATION 189.6 AND ELEVATION 244.0.

(ALL ELEVATIONS ARE IN FEET, CITY OF SEATTLE DATUM, AND BASED ON A PROJECT BENCH MARK ELEVATION OF 135.40 FEET ON THE NORTH RIM OF THE MONUMENT CASE AT THE INTERSECTION OF THE CENTERLINES OF 7<sup>TH</sup> AVENUE AND PIKE STREET ACCORDING TO A SURVEY BY HORTON DENNIS AND ASSOCIATES, INC., FOR THE WASHINGTON STATE CONVENTION CENTER, DATED JUNE 18, 1985.)

SITUATE IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 25 NORTH, RANGE 4 EAST, W.M., IN THE CITY OF SEATTLE, KING COUNTY, WASHINGTON.

Prepared by **BASELINE** Engineering, Inc.  
**BASELINE** Job No. 97041.1  
File Name: 97041.1LegDesc2.doc  
Date: 01/23/03

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CLERK

**Return Address:**

Seattle City Clerk's Office  
600 4th Avenue, Room 104  
Seattle, WA 98104



**20030428000012**

SEATTLE CITY CLERK  
PAGE 001 OF 003  
04/28/2003 08:58  
KING COUNTY, WA

Please print or type information WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

**Document Title(s)** (or transaction contained therein): (all areas applicable to your document must be filled in.

1. ORDINANCE #121107<sup>13</sup>

**Re -** \_\_\_\_\_ of document.

AN ORDINANCE vacating the alley in Block 66, A.A. Denny's 5<sup>th</sup> Addition to the City of Seattle, aerial rights over the southerly 230 feet of 8<sup>th</sup> Avenue between Pike Street and Pine Street, aerial rights over the alley in Block 30, Heirs of Sarah A. Bell's 2<sup>nd</sup> Addition located between 8<sup>th</sup> and 9<sup>th</sup> Avenues and Pine and Pike Street, aerial rights over a portion of Pike Street from 7<sup>th</sup> Avenue to the centerline of 8<sup>th</sup> Avenue, aerial rights of portions of Pike Street between 8<sup>th</sup> and 9<sup>th</sup> Avenues, all more fully described herein, on the petition of the Washington State Convention and Trade Center, and accepting a Property Use and Development Agreement, in relation herein, (Clerk File 301557)

**Grantor(s)** (Last name first, then first name and initials) 1. City of Seattle ☐ Additional names on page----- of document.

**Grantee(s)** (Last name first, then first name and initials) 1. N/A 2.

**Legal description** (abbreviated: i.e. lot, block, plat or section, township, range) ☐ Additional reference #s on page ----- of document N/A

**Assessor's Property Tax Parcel/Account Number/** N/A

☐ Assessor Tax # not yet assigned.

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FILED  
CITY OF SEATTLE  
2003 JUN -4 AM 10:36  
CITY CLERK

MoirsGray/mg  
Blk66Vacation  
02/13/03  
version1a

ORDINANCE 12113

AN ORDINANCE vacating the alley in Block 66, A.A. Denny's 5<sup>th</sup> Addition to the City of Seattle, aerial rights over the southerly 230 feet of 8<sup>th</sup> Avenue between Pike Street and Pine Street, aerial rights over the alley in Block 30, Heirs of Sarah A. Bell's 2<sup>nd</sup> Addition located between 8<sup>th</sup> and 9<sup>th</sup> Avenues and Pine and Pike Street, aerial rights over a portion of Pike Street from 7<sup>th</sup> Avenue to the centerline of 8<sup>th</sup> Avenue, aerial rights of portions of Pike Street between 8<sup>th</sup> and 9<sup>th</sup> Avenues, all more fully described herein, on the petition of the Washington State Convention and Trade Center, and accepting a Property Use and Development Agreement, in relation herein, (Clerk File 301557)

WHEREAS, there has been filed with the City Council the petition of the Washington State Convention and Trade Center (Clerk File 301557) for the vacation of rights-of-way as herein fully described; and

WHEREAS, following a public hearing on said petition, which commenced on February 17, 1999, said petition was conditionally granted by the City Council; and

WHEREAS, the vacation conditions required by the Seattle City Council either have been fulfilled or the petitioner has guaranteed ongoing fulfillment through the attached Property Use and Development Agreement; and

WHEREAS, pursuant to Seattle Municipal Code Chapter 15.62, the petitioner is exempt for the street vacation fee; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. That the portions of rights-of-way described in Attachment A, be and the same are hereby vacated; also RESERVING to the City of Seattle the right to make all necessary slopes for cuts or fills upon the above-described property in the reasonable original grading of any rights-of-way abutting upon said property after said vacation.

Section 2. That the Property Use and Development Agreement, Recording Number 20021219001862, executed by the Washington State Convention and Trade Center, a copy attached hereto as Attachment B, is hereby accepted.

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STATE OF WASHINGTON  
COUNTY OF KING  
CITY OF SEATTLE

} SR

I, JUDITH E. PIPPIN, CITY CLERK OF THE CITY OF SEATTLE, DO HEREBY  
CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE AND CORRECT  
COPY OF: ordinance 121113

AS THE SAME APPEARS ON FILE AND OF RECORD IN THIS DEPARTMENT.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED  
THE SEAL TO THE CITY OF SEATTLE, THIS 24th day of April, 2003  
JUDITH E. PIPPIN  
CITY CLERK

BY: Margaret Carter  
DEPUTY CLERK

MoirsGray/mg  
Bik66Vacation  
02/13/03  
version 1a

1 Section 3. That the City Clerk is hereby authorized and directed to file a copy of this  
2 Ordinance at the King County Records and Elections Division, and to deliver copies of the same  
3 to the Director of the Department of Design, Construction and Land Use, and to the King County  
4 Assessor's Office.

5 Section 4. This ordinance shall take effect and be in force thirty (30) days from and after  
6 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days  
7 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.  
8  
9

10 Passed by the City Council the 23rd day of April, 2003, and signed by me in  
11 open session in authentication of its passage this 23rd day of April, 2003.

12 Glenn J. Slies  
13 President pro tem of the City Council

14 Approved by me this 23rd day of April, 2003.

15 Gregory J. Nickels  
16 Gregory J. Nickels, Mayor

17 Filed by me this 24th day of April, 2003.

18 Judith E. Pippin  
19 City Clerk  
20  
21

22 (Seal)

23 Attachment A: Descriptions of the portions of rights-of-way being vacated

24 Attachment B: Property Use and Development Agreement  
25  
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27  
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WASHINGTON STATE CONVENTION & TRADE CENTER  
EXPANSION PROJECT

VACATION NO. 3 - AERIAL

**PORTION OF ALLEY IN BLOCK 30, HEIRS OF SARAH A. BELL 2<sup>ND</sup> ADDITION**

LEGAL DESCRIPTION

THAT PORTION OF THE 16 FOOT WIDE ALLEY IN BLOCK 30, HEIRS OF SARAH A. BELL 2<sup>ND</sup> ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF AS FILED IN VOLUME 1 OF PLATS, PAGE 12, RECORDS OF KING COUNTY WASHINGTON, LYING BETWEEN THE NORTHWESTERLY MARGIN OF PIKE STREET AS ESTABLISHED BY CITY OF SEATTLE ORDINANCE NO. 10051, AND A STRAIGHT LINE CONNECTING THE NORTHWESTERLY LINES OF LOTS 4 AND 9, SAID BLOCK 30;

SAID PARCEL LYING BELOW AN ELEVATION OF 244.0 AND ABOVE A PLANE WITH AN ELEVATION OF 175.0 AT THE SOUTHEASTERLY END OF THE ABOVE DESCRIBED PARCEL AND AN ELEVATION OF 165.8 AT THE NORTHWESTERLY END THEREOF.

(ALL ELEVATIONS ARE IN FEET, CITY OF SEATTLE DATUM, AND BASED ON A PROJECT BENCH MARK ELEVATION OF 135.40 FEET ON THE NORTH RIM OF THE MONUMENT CASE AT THE INTERSECTION OF THE CENTERLINES OF 7<sup>TH</sup> AVENUE AND PIKE STREET ACCORDING TO A SURVEY BY HORTON DENNIS AND ASSOCIATES, INC., FOR THE WASHINGTON STATE CONVENTION CENTER, DATED JUNE 18, 1985.)

SITUATE IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 25 NORTH, RANGE 4 EAST, W.M., IN THE CITY OF SEATTLE, KING COUNTY, WASHINGTON.

Prepared by **BASELINE** Engineering, Inc.  
**BASELINE** Job No. 97041.1  
File Name: 97041.1LegDesc3.doc  
Date: 01/23/03

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WASHINGTON STATE CONVENTION & TRADE CENTER  
EXPANSION PROJECT

**VACATION NO. 4 - AERIAL**

**PORTION OF PIKE STREET BETWEEN 7<sup>TH</sup> & 8<sup>TH</sup> AVENUE  
(CANOPY AND FOOT BRIDGE)**

**LEGAL DESCRIPTION**

THAT PORTION OF THE SOUTHWESTERLY 259.0 FEET OF PIKE STREET, 86 FEET IN WIDTH, AS ESTABLISHED BY CITY OF SEATTLE ORDINANCE NO. 10051, LYING NORTHEASTERLY OF THE NORTHEASTERLY MARGIN OF 7<sup>TH</sup> AVENUE (66 FEET IN WIDTH);

THE SOUTHWESTERLY 152.5 FEET OF THE ABOVE DESCRIBED PARCEL LYING BETWEEN ELEVATION 222.4 AND ELEVATION 277.0,

THE NORTHEASTERLY 98.0 FEET OF THE SOUTHWESTERLY 250.5 FEET OF THE ABOVE DESCRIBED PARCEL LYING BETWEEN ELEVATION 198.0 AND ELEVATION 277.0,

AND THAT PORTION OF THE ABOVE DESCRIBED PARCEL LYING NORTHEASTERLY OF THE SOUTHWESTERLY 250.5 FEET THEREOF LYING BETWEEN ELEVATION 236.3 AND ELEVATION 277.0.

(ALL ELEVATIONS ARE IN FEET, CITY OF SEATTLE DATUM, AND BASED ON A PROJECT BENCH MARK ELEVATION OF 135.40 FEET ON THE NORTH RIM OF THE MONUMENT CASE AT THE INTERSECTION OF THE CENTERLINES OF 7<sup>TH</sup> AVENUE AND PIKE STREET ACCORDING TO A SURVEY BY HORTON DENNIS AND ASSOCIATES, INC., FOR THE WASHINGTON STATE CONVENTION CENTER, DATED JUNE 18, 1985.)

SITUATE IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 25 NORTH, RANGE 4 EAST, W.M., IN THE CITY OF SEATTLE, KING COUNTY, WASHINGTON.

Prepared by **BASELINE** Engineering, Inc.  
**BASELINE** Job No. 97041.1  
File Name: 97041.1LegDesc4.doc  
Date: 01/23/03

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WASHINGTON STATE CONVENTION & TRADE CENTER  
EXPANSION PROJECT

**VACATION NO. 5 - AERIAL**

**PORTION OF PIKE STREET BETWEEN 8<sup>TH</sup> & 9<sup>TH</sup> AVENUE  
(TRUCK BRIDGE)**

LEGAL DESCRIPTION

THE NORTHEASTERLY 91.0 FEET OF THE SOUTHWESTERLY 239.0 FEET OF THAT  
PORTION OF PIKE STREET, 86 FEET IN WIDTH, AS ESTABLISHED BY CITY OF SEATTLE  
ORDINANCE NO. 10051, LYING NORTHEASTERLY OF THE NORTHEASTERLY MARGIN  
OF 8<sup>TH</sup> AVENUE (66 FEET IN WIDTH);

SAID PARCEL LYING BETWEEN ELEVATION 191.8 AND ELEVATION OF 223.7.

(ALL ELEVATIONS ARE IN FEET, CITY OF SEATTLE DATUM, AND BASED ON A PROJECT  
BENCH MARK ELEVATION OF 135.40 FEET ON THE NORTH RIM OF THE MONUMENT  
CASE AT THE INTERSECTION OF THE CENTERLINES OF 7<sup>TH</sup> AVENUE AND PIKE STREET  
ACCORDING TO A SURVEY BY HORTON DENNIS AND ASSOCIATES, INC., FOR THE  
WASHINGTON STATE CONVENTION CENTER, DATED JUNE 18, 1985.)

SITUATE IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION  
32, TOWNSHIP 25 NORTH, RANGE 4 EAST, W.M., IN THE CITY OF SEATTLE, KING  
COUNTY, WASHINGTON.

Prepared by **BASELINE** Engineering, Inc.  
**BASELINE** Job No. 97041.1  
File Name: 97041.1LegDesc5.doc  
Date: 01/23/03

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WASHINGTON STATE CONVENTION & TRADE CENTER  
EXPANSION PROJECT

**VACATION NO. 6 -- AERIAL**

**PORTION OF PIKE STREET BETWEEN 8<sup>TH</sup> & 9<sup>TH</sup> AVENUE  
(LIBRARY PROTRUSION)**

**LEGAL DESCRIPTION**

THAT PORTION OF PIKE STREET, 86 FEET IN WIDTH, AS ESTABLISHED BY CITY OF SEATTLE ORDINANCE NO. 10051, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTHEASTERLY MARGIN OF 8<sup>TH</sup> AVENUE (66 FEET IN WIDTH) AND THE NORTHWESTERLY MARGIN OF SAID PIKE STREET; THENCE NORTHEASTERLY ALONG SAID NORTHWESTERLY MARGIN OF PIKE STREET A DISTANCE OF 11.0 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE NORTHEASTERLY ALONG SAID MARGIN, A DISTANCE OF 40.0 FEET; THENCE SOUTHEASTERLY AT RIGHT ANGLES TO SAID MARGIN, A DISTANCE OF 4.0 FEET; THENCE SOUTHWESTERLY, IN A STRAIGHT LINE, TO THE **TRUE POINT OF BEGINNING**;

SAID PARCEL LYING BETWEEN ELEVATION 166.0 AND ELEVATION 200.0.

(ALL ELEVATIONS ARE IN FEET, CITY OF SEATTLE DATUM, AND BASED ON A PROJECT BENCH MARK ELEVATION OF 135.40 FEET ON THE NORTH RIM OF THE MONUMENT CASE AT THE INTERSECTION OF THE CENTERLINES OF 7<sup>TH</sup> AVENUE AND PIKE STREET ACCORDING TO A SURVEY BY HORTON DENNIS AND ASSOCIATES, INC., FOR THE WASHINGTON STATE CONVENTION CENTER, DATED JUNE 18, 1985.)

SITUATE IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 25 NORTH, RANGE 4 EAST, W.M., IN THE CITY OF SEATTLE, KING COUNTY, WASHINGTON.

Prepared by **BASELINE** Engineering, Inc.  
**BASELINE** Job No. 97041.1  
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Date: 01/23/03

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When Recorded, Return to

HILLIS CLARK MARTIN & PETERSON, P.S.  
Attention: T. Ryan Durkan  
500 Galland Building  
1221 Second Avenue  
Seattle, WA 98101-2925

ATTACHMENT B



20021219001862

MCMP 061 OF 810 AC  
PAGE 12/18/2002 13:20  
KING COUNTY, WA

**PROPERTY USE AND DEVELOPMENT AGREEMENT**

Grantor	<input checked="" type="checkbox"/> Washington State Convention & Trade Center
	<input type="checkbox"/> Additional on page _____
Grantee	<input checked="" type="checkbox"/> City Seattle
	<input type="checkbox"/> Additional on page _____
Legal Description (abbreviated)	Portions of Blks 30, 65 and 66 Add to Seattle
	<input checked="" type="checkbox"/> Additional on Exhibit 1
Assessor's Tax	197600400 09, 197600401 08, 197600410 07, 197600415 02, 197600420 05,
Parcel ID #	197600421 04, 197600425 00, 197600430 03, 197600431 02, 197600435 08, 197600440 01, 197600445 06, 066000 0875, 066000 0885, 066000 00930, 197670-0330
Reference Nos of Documents Released or Assigned	N/A

THIS INSTRUMENT, executed this date in favor of the City of Seattle, a municipal corporation (herein "City"), by the Washington State Convention and Trade Center (herein "WSCTC")

**WITNESSETH**

WHEREAS, the WSCTC was authorized under § 12, Chapter 386, Laws of 1995, codified at RCW 67.40.020 of the Revised Code of Washington to expand the state convention and trade center facility in Seattle ("Expansion Project"), and

WHEREAS, the WSCTC is a public non-profit corporation that is an instrumentality of the State of Washington, and as such, possesses all the usual powers of a corporation for public purposes, and

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WHEREAS, following the analysis of alternatives and impacts contained in the Final Environmental Impact Statement for the Expansion Project, the WSCTC selected the North expansion alternative for the Expansion Project, and

WHEREAS, the site selected for the Expansion Project necessitated the vacation of

Vacation No. 1 All of that portion of the 16 foot wide alley in Block 66, A A Denny's 5<sup>th</sup> Addition to the City of Seattle according to the plat thereof as filed in Volume 1 of Plats, page 89, Records of King County, Washington, lying between the northwesterly margin of Pike Street, as established by City of Seattle Ordinance No. 10051, and the southeasterly margin of Pine Street, as established by City of Seattle Ordinance No. 14500,

Situate in the southwest quarter of the northwest quarter of Section 32, Township 25 north, Range 4 east, W M, in the City of Seattle, King County, Washington,

Vacation No. 2 That portion of 8<sup>th</sup> Avenue, lying between a line 4 feet northwesterly of the northwesterly margin of Pike Street as established by City of Seattle Ordinance No. 10051, and a straight line connecting the most westerly corner of Lot 4, Block 30, Heirs of Sarah A. Bell 2<sup>nd</sup> Addition to the City of Seattle, according to the plat thereof as filed in Volume 1 of Plats, page 12, with the most northerly corner of Lot 6, A A Denny's 5<sup>th</sup> Addition to the City of Seattle according to the plat thereof as filed in Volume 1 of Plats, page 89, Records of King County, Washington,

The southeasterly 32.5 feet of the above described parcel lying between elevation 189.6 and elevation 244.0,

The northwesterly 186.2 feet of the southeasterly 218.7 feet of the above-described parcel lying between elevation 166.1 and elevation 244.0, and

That portion of the above described parcel lying northwesterly of the southeasterly 218.7 feet thereof lying between elevation 189.6 and elevation 244.0

(All elevations are in feet, City of Seattle datum, and based on a project bench mark elevation of 135.40 feet on the north rim of the monument case at the intersection of the centerlines of 7<sup>th</sup> Avenue and Pike Street according to a survey by Horton Dennis and Associates, Inc., for the Washington State Convention Center, dated June 18, 1985)

Situate in the southwest quarter of the northwest quarter of Section 32, Township 25 north, Range 4 east, W M, in the City of Seattle, King County, Washington,

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**Vacation No. 3** That portion of the 16 foot wide alley in Block 30, Heirs of Sarah A. Bell 2<sup>nd</sup> Addition to the City of Seattle, according to the plat thereof as filed in Volume 1 of Plats, page 12, Records of King County, Washington, lying between the northwesterly margin of Pike Street as established by City of Seattle Ordinance No. 10051, and a straight line connecting the northwesterly lines of Lots 4 and 9, said Block 30.

Said parcel lying below an elevation of 244.0 and above a plane with an elevation of 175.0 at the southeasterly end of the above-described parcel and an elevation of 165.8 at the northwesterly end thereof.

(All elevations are in feet, City of Seattle datum, and based on a project bench mark elevation of 135.40 feet on the north rim of the monument case at the intersection of the centerlines of 7<sup>th</sup> Avenue and Pike Street according to a survey by Horton Dennis and Associates, Inc., for the Washington State Convention Center, dated June 18, 1985.)

Situate in the southwest quarter of the northwest quarter of Section 32, Township 25 north, Range 4 east, W.M., in the City of Seattle, King County, Washington,

**Vacation No. 4** That portion of the southwesterly 259.0 feet of Pike Street, 86 feet in width, as established by City of Seattle Ordinance No. 10051, lying northeasterly of the northeasterly margin of 7<sup>th</sup> Avenue (66 feet in width),

The southwesterly 152.5 feet of the above-described parcel lying between elevation 222.4 and elevation 277.0,

The northeasterly 98.0 feet of the southwesterly 250.5 feet of the above-described parcel lying between elevation 198.0 and elevation 277.0, and

That portion of the above-described parcel lying northeasterly of the southwesterly 250.5 feet thereof lying between elevation 236.3 and elevation 277.0

(All elevations are in feet, City of Seattle datum, and based on a project bench mark elevation of 135.40 feet on the north rim of the monument case at the intersection of the centerlines of 7<sup>th</sup> Avenue and Pike Street according to a survey by Horton Dennis and Associates, Inc., for the Washington State Convention Center, dated June 18, 1985.)

Situate in the southwest quarter of the northwest quarter of Section 32, Township 25 north, Range 4 east, W.M., in the City of Seattle, King County, Washington,

**Vacation No. 5** The northeasterly 91.0 feet of the southwesterly 239.0 feet of that portion of Pike Street, 86 feet in width, as established by City of Seattle Ordinance





Unofficial  
Draft

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No 10051, lying northeasterly of the northeasterly margin of 8<sup>th</sup> Avenue (66 feet in width)

Said parcel lying between elevation 191.8 and elevation of 223.7

(All elevations are in feet, City of Seattle datum, and based on a project bench mark elevation of 135.40 feet on the north rim of the monument case at the intersection of the centerlines of 7<sup>th</sup> Avenue and Pike Street according to a survey by Horton Dennis and Associates, Inc., for the Washington State Convention Center, dated June 18, 1985.)

Situate in the southwest quarter of the northwest quarter of Section 32, Township 25 north, Range 4 east, W.M., in the City of Seattle, King County, Washington, and

Vacation No. 6 That portion of Pike Street, 86 feet in width, as established by City of Seattle Ordinance No 10051, described as follows: commencing at the intersection of the northeasterly margin of 8<sup>th</sup> Avenue (66 feet in width) and the northwesterly margin of said Pike Street, thence northeasterly along said northwesterly margin of Pike Street a distance of 110 feet to the **true point of beginning**, thence northeasterly along said margin, a distance of 40.0 feet, thence southeasterly at right angles to said margin, a distance of 40 feet, thence southwesterly, in a straight line, to the **true point of beginning**.

Said parcel lying between elevation 166.0 and elevation 200.0

(All elevations are in feet, City of Seattle datum, and based on a project bench mark elevation of 135.40 feet on the north rim of the monument case at the intersection of the centerlines of 7<sup>th</sup> Avenue and Pike Street according to a survey by Horton Dennis and Associates, Inc., for the Washington State Convention Center, dated June 18, 1985.)

Situate in the southwest quarter of the northwest quarter of Section 32, Township 25 north, Range 4 east, W.M., in the City of Seattle, King County, Washington

WHEREAS, the WSCTC filed a petition (CF 301557) for the vacation of the above-referenced streets and alleys pursuant to Chapter 35.79 of the Revised Code of Washington and Seattle Municipal Code Chapter 15.62, and

WHEREAS, the Transportation Committee of the Seattle City Council held a public hearing on the street vacation petition on February 17, 1999, as fixed by Resolution 29894, and

WHEREAS, the Transportation Committee of the Seattle City Council discussed the project in several public meetings held in March and April of 1999, and

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WHEREAS, on April 5, 1999, the Seattle City Council Transportation Committee recommended approval of the street vacation petition, subject to conditions, and

WHEREAS, on April 12, 1999, the Seattle City Council granted approval of the street vacation petition, subject to conditions, and

WHEREAS, execution of a Property Use and Development Agreement is desired to ensure compliance with any conditions of street vacation approval that will not be fully satisfied prior to passage of the ordinance vacating the above-referenced streets and alleys,

NOW, THEREFORE, the WSCTC hereby covenants, bargains and agrees on behalf of itself, its successors and assigns, that if the ordinance vacating the above-referenced streets and alleys is passed by the Seattle City Council and approved by the Mayor, the WSCTC shall operate and maintain the Expansion Project in accordance with this Property Use and Development Agreement

Section 1 Addressed below are those conditions of the street vacation approval that require on-going effort during the operation of the expanded Convention Center, and could not, therefore, be met during the construction of the Expansion Project

A Vacation for Public Purposes Only The structures built in the vacated areas will be used for activities related to the expansion of the Convention Center, or other public purposes only The expansion is being financed by Certificates of Participation ("COP") which give the trustee the right to take possession of the building and structures under certain circumstances If for any reason the trustee does take possession of the property, any subsequent use of the structures located in the vacated property will be limited to public Convention Center uses or other public purposes only If that public use ever ceases, the vacated air-rights property over Pike Street and 8th Avenue will be rededicated to the public for street purposes

B Truck Bridge Limitations Unless the truck bridge is in the possession of the COP trustee, use of the bridge shall be limited to Convention Center purposes only Not more than one vehicle will be allowed to use the bridge at any one time The speed limit on the bridge shall be limited to 10 mph Parking or prolonged idling or standing of trucks on the bridge shall be prohibited

C Glass Canopy Maintenance In accordance with the plan submitted to the Department of Design, Construction and Land Use of the City ("DCLU"), the canopy shall be regularly cleaned inside and outside to avoid any accumulation of dirt or grime Measures will be taken to prevent roosting by birds in areas under the canopy

D 8th Avenue Cover In full satisfaction of Part 2 of Vacation Condition V 4 and in accordance with the plan submitted to DCLU, the WSCTC has permanently installed six banner elements on pedestal bases, in the sidewalk along 8th Avenue The WSCTC shall continue to provide and maintain these elements

E Visual Mitigation In the display windows on the north side of Pike Street at 8th Avenue, the WSCTC shall require a display with visual interest that will attract pedestrians

F Community Liaison WSCTC shall provide a community liaison position during operation of the Convention Center facility. The liaison shall work with the neighboring businesses and residents to resolve traffic, parking, noise and other environmental and operation issues. The liaison shall be available to answer questions and keep the WSCTC informed as to community issues. The telephone number of the liaison shall be posted at the Convention Center and shall be advertised in newspapers serving the adjacent communities at least quarterly

G Carpool Space Replacement WSCTC shall continue to provide the 14 carpool spaces on Pike Street that were displaced because of the project within the Convention Center's main parking garage

H As-Built Drawings Required The WSCTC shall provide "as built" drawings to DCLU and the Seattle Department of Transportation ("SDOT") for the purpose of defining a three-dimensional space of air-rights for the vacated area over Pike Street, 8th Avenue, and the alley in Block 30. The vacation ordinance may be amended to reference such drawings and limit the air-rights to be vacated to the minimum necessary to accommodate the built structures

Section 2 The legal description of the property upon which the expanded Convention Center is located (the "Property") is included in Exhibit 1 hereto, which is incorporated herein by this reference. An executed copy of this Property Use and Development Agreement shall be recorded in the records of King County and the covenants hereof shall be deemed to attach to and run with the Property

Section 3 This Property Use and Development Agreement may be amended or modified by mutual agreement between the City and WSCTC, according to the following procedure. Minor changes to this Agreement may be approved by SDOT, if the proposed change is consistent with the purpose and intent of the conditions. Any major changes to this Agreement, as determined by SDOT, shall require approval by the City Council of the City by resolution or ordinance. SDOT shall provide the WSCTC with notice and the opportunity to comment on whether a change is considered minor or major, prior to SDOT making that determination. Nothing in this Property Use and Development Agreement shall be construed as a surrender of the City's governmental powers

Section 4 This Property Use and Development Agreement is made for the benefit of the City and the public. The City may institute and prosecute any proceeding law or in equity to enforce this Property Use and Development Agreement

Section 5 It is further expressly agreed that in the event any covenant or condition or restriction in this instrument or any portion thereof is invalid or void, such invalidity or voidness shall in no way affect any other covenant, condition or restriction

Section 6 The WSCTC agrees to indemnify and hold the City harmless from any claims, losses, liabilities, liens, costs or expenses resulting from or arising out of the public use of the vacated areas caused by the negligence of the WSCTC. Nothing in this Agreement shall alter responsibility for claims, losses, liabilities, liens, costs or expenses resulting from or arising out of the public use of the non-vacated areas of the public right-of-way

DATED this 17<sup>th</sup> day of DECEMBER 2002

WASHINGTON STATE CONVENTION  
AND TRADE CENTER, a public non-profit  
corporation and instrumentality of the State  
of Washington

James R. Ellis, Chairman  
Board of Directors

APPROVED AS TO FORM

Susan M. Edison  
Assistant Attorney General  
State of Washington

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STATE OF WASHINGTON  
COUNTY OF KING

SS

On this day personally appeared before me Jane Ellis, to me known to be the Chairman of WASHINGTON STATE CONVENTION AND TRADE CENTER, the public non-profit corporation that executed the foregoing instrument, and acknowledged such instrument to be the free and voluntary act and deed of such public non-profit corporation, for the uses and purposes therein mentioned, and on oath stated that he/she was duly authorized to execute such instrument.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 17 day of December, 2002

Charles H. Firth Jr.  
Printed Name Charles H. Firth Jr.  
NOTARY PUBLIC in and for the State of  
Washington, residing at King County  
My Commission Expires 9-17-05



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**EXHIBIT 1 to PUDA:  
LEGAL DESCRIPTION OF PROPERTIES ON WHICH THE  
EXPANDED CONVENTION CENTER IS LOCATED**

**Northwest Block**

Lots 1 through 12, Block 66, addition to the City of Seattle (A A Denny's 5th addition to the City of Seattle), Volume 1 of plats, page 89, King County, Washington

Additional legal description is the Ground Unit, the WSCTC Unit and the Air Unit of the Northwest Block Condominium, a condominium recorded in Volume 158 of Condominiums, pages 61 through 62, according to the Northwest Block Condominium Declaration recorded under King County Recording No 19990831000504, as amended

**Northeast Block**

Lots 1 through 4 and lots 9 through 12 in block 30 of second addition to the Town of Seattle, as laid off by the heirs of Sarah A Bell, deceased, (commonly known as heirs of Sarah A Bell's second addition to the City of Seattle), as per plat recorded in volume 1 of plats, page 121, records of King County,

Except the Southeasterly 10 feet of said lots 1 and 12 condemned in King County Superior Court Cause No 41394, as provided for in Ordinance No 10051, for the widening of Pike Street,

And except the East 2 feet of lots 1 through 4 in Block 30 of said plat lying below 180 feet datum level elevation as established by the City of Seattle,

And except the West 2 feet of lots 9 through 12 in Block 30 of said plat lying below 180 feet datum level elevation as established by the City of Seattle,

Together with that portion of the alley lying between said lots 1 through 4 and lots 9 through 12 in said block 30 lying 20 feet above the grade of Pike Street as established at the Northeast corner of Pike Street in said block as established by City of Seattle Ordinance No 1005, to a line 230 feet Northwest of and parallel to said margin of Pike Street,

Situate in the City of Seattle, County of King, State of Washington

**McKay Parcel**

Lots 1, 4, and 5 of Block 65 of addition to the Town of Seattle, as laid out by A A Denny (commonly known as A A Denny's 5<sup>th</sup> Addition to the City of Seattle), according to the plat thereof recorded in Volume 1 of Plats, page 89, records of King County, Washington,

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**Exhibit 1 to PUDA**

Except the Northwesterly ten (10) feet of said Lot 1, taken for widening Pike Street under Ordinance No. 10051 of the City of Seattle,

Together with that portion of the alley bisecting said Block 65 abutting lots 1 through 6, inclusive, vacated by Ordinance No. 113656 of the City of Seattle

Situate in the City of Seattle, King County, Washington

Additional legal description is the Tower Unit, Garage Unit and Podium Unit of the McKay Condominium, a Condominium recorded in Volume 164 of Condominiums, pages 86 through 87 according to the declaration thereof, recorded under King County Recording No. 20000627000277 and any amendments thereto,

Together with those certain easement rights as delineated in document entitled Construction Cooperation and Easement Agreement recorded under recording No. 9411231931,

Together with those certain easement rights as delineated in document entitled Corridor Easement Agreement recorded under recording No. 9411231935,

Together with those certain easement rights as delineated in document entitled Cantilevered Parcel Easement recorded under recording No. 20000627001611,

Together with those certain easement rights as delineated in document entitled Underground Vault Easement recorded under recording No. 20000627001612,

Together with those certain easement rights as delineated in document entitled Shoring Easement recorded under recording No. 20000627001613,

Situate in the City of Seattle, County of King, State of Washington

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Gray/Peyer  
Block 66 Vacation  
February 13, 2003  
Version 1

#### Fiscal Note

Each piece of legislation that appropriates funds, creates position authority, or will create a financial impact through policy direction or otherwise, requires a fiscal note. The fiscal note should be drafted by department staff and should include all relevant financial information. After preparation by departmental staff, the Department of Finance will review and make necessary revisions before transmittal to Council.

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Seattle Transportation	Moira Gray 4-8272	Jeff Davis 4-8071

#### Legislation Title:

AN ORDINANCE vacating the alley in Block 66, A.A. Denny's 5<sup>th</sup> Addition to the City of Seattle, aerial rights over the southerly 230 feet of 8<sup>th</sup> Avenue between Pike Street and Pine Street, aerial rights over the alley in Block 30, Heirs of Sarah A. Bell's 2<sup>nd</sup> Addition located between 8<sup>th</sup> and 9<sup>th</sup> Avenues and Pine and Pike Street, aerial rights over a portion of Pike Street from 7<sup>th</sup> Avenue to the centerline of 8<sup>th</sup> Avenue, aerial rights of portions of Pike Street between 8<sup>th</sup> and 9<sup>th</sup> Avenues, all more fully described herein, on the petition of the Washington State Convention and Trade Center, and accepting a Property Use and Development Agreement, in relation herein, (Clerk File 301557)

#### Summary of the Legislation:

This ordinance vacates rights-of-way for the Washington State Convention and Trade Center (WSCTC) expansion project (Clerk File 301557). The vacation includes an alley and five air rights north of the existing trade center in the block bounded by Pike and Pine Streets and 7<sup>th</sup> and 8<sup>th</sup> Avenues and into a portion of the block bounded by Pike and Pine Streets and 8<sup>th</sup> and 9<sup>th</sup> Avenues. The legislation also accepts a Property Use and Development Agreement related to the Council requirements. The City Council granted approval of the vacation petition in 1999. There are no financial implications associated with this legislation.

#### Appropriations (in \$1,000's):

Fund Name and Number	Department	Budget Control Level*	2003 Appropriation	2004 Anticipated Appropriation
<b>TOTAL</b>				

\* This is line of business for operating budgets, and program or project for capital improvements

Notes:

#### Expenditures (in \$1,000's):

Revised January 17, 2003

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Gray/Peyer  
Block 66 Vacation  
February 13, 2003  
Version 1

Fund Name and Number	Department	Budget Control Level*	2003 Expenditures	2004 Anticipated Expenditures
TOTAL				

*\* This is line of business for operating budgets, and program or project for capital improvements*

*Notes:*

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February 13, 2003  
Version 1

**Anticipated Revenue/Reimbursement (in \$1,000's):**

Fund Name and Number	Department	Revenue Source	2003 Revenue	2004 Revenue
TOTAL				

**Notes:**

**Total Permanent Positions Created Or Abrogated Through Legislation, Including FTE Impact; Estimated FTE Impact for Temporary Positions:**

Fund Name and Number	Department	Position Title*	2003 FTE	2004 FTE
TOTAL				

\* List each position separately

**Do positions sunset in the future?** (If yes, identify sunset date):

**Background** (Include brief description which states the purpose and context of legislation and include record of previous legislation and funding history, if applicable):

**The financial cost of not implementing the legislation** (Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs if the legislation is not implemented):

**Possible alternatives to the legislation which could achieve the same or similar objectives** (Include any potential alternatives to the proposed legislation, including using an existing facility to fulfill the uses envisioned by the proposed project, adding components to or subtracting components from the total proposed project, contracting with an outside organization to provide the services the proposed project would fill, or other alternatives):

**Is the legislation subject to public hearing requirements** (If yes, what public hearings have been held to date):

**Other Issues** (including long-term implications of the legislation):



Gray/Peyer  
Block 66 Vacation  
February 13, 2003  
Version 1

### FOR CAPITAL PROJECTS ONLY

**Background** (Include brief description that states the purpose and context of legislation, the expected useful life, anticipated customers/users, assumed level of LEED or other sustainable design elements. Also include record of previous legislation and funding history, if applicable):

Project Name:	Project Location:	Start Date:	End Date:

**Spending Plan and Future Appropriations for Capital Projects** (Estimate cost of legislation over time; list timing of anticipated appropriation authority requests and expected spending plan. Please identify your cost estimate methodology including inflation assumptions and key assumptions related to the timing of appropriation requests and expected expenditures. In addition, include the projected costs of meeting the LEED Silver standard in all facilities and buildings with over 5,000 gross square feet of occupied space. Also, be sure to include percent for art and percent for design as appropriate):

Spending Plan and Budget	2003	2004	2005	2006	2007	2008	Total
Spending Plan							
Current Year Appropriation							
Future Appropriations							

Key Assumptions:

**Funding source** (Identify funding sources including revenue generated from the project and the expected level of funding from each source):

Funding Source	2003	2004	2005	2006	2007	2008	Total
TOTAL							

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Version 1

**Bond Financing Required** (If the project or program requires financing, please list type of financing, amount, interest rate, term and annual debt service or payment amount. Please include issuance costs of 3% in listed amount):

Type	Amount	Assumed Interest Rate	Term	Timing	Expected Annual Debt Service/Payment
<b>TOTAL</b>					

**Uses and Sources for Operation and Maintenance Costs for the Project** (Estimate cost of one-time startup, operating and maintaining the project over a six year period and identify each fund source available. Estimate the annual savings of implementing the LEED Silver standard. Identify key assumptions such as staffing required, assumed utility usage and rates and other potential drivers of the facility's cost):

O&M	2003	2004	2005	2006	2007	2008	Total
Uses							
Start Up							
On-going							
Sources (itemize)							

Key Assumptions:

--

**Periodic Major Maintenance costs for the project** (Estimate capital cost of performing periodic maintenance over life of facility. Please identify major work items, frequency):

Major Maintenance Item	Frequency	Cost	Likely Funding Source
<b>TOTAL</b>			

**Funding sources for replacement of project** (Identify possible and/or recommended method of financing the project replacement costs):

--

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**COUNCIL CONDITIONS ON THE WASHINGTON STATE CONVENTION AND  
TRADE CENTER, Clerk File 301557**

The City Council granted the vacation subject to the following conditions:

**1. Public Purpose Limitation - In compliance**

Condition:

The structures built in the vacated areas will be used for activities related to the expansion of the Convention Center, or other public purposes only. The expansion is being financed by Certificates of Participation (COP) which give the trustee the right to take possession of the building and structures under certain circumstances. If for any reason the trustee does take possession of the property, any subsequent use of the structures located in the vacated property will be limited to public purposes only. If that public convention center use ever ceases, the vacated air-rights property over Pike Street and Eighth Avenue will be rededicated to the public for street purposes.

Compliance Status:

The WSCTC accepts the public purpose limitation, and commits to this condition in the "Property Use and Development Agreement" (PUDA), Recording Number 20021219001862.

**2. Truck Bridge Limitation - In compliance**

Condition:

The 90-foot wide truck bridge is approved as proposed by the WSCTC, provided that, unless the truck bridge is in the possession of the COP trustee, use of the bridge shall be limited to Convention Center purposes only. Not more than one vehicle may be present on the bridge at any one time. The speed limit on the bridge shall be limited to 10 mph. Parking or prolonged idling or standing of trucks on the bridge shall be prohibited.

Compliance Status:

WSCTC set out the policies and procedures for operation of the Truck Bridge in a submittal to DCLU/SDOT in February, 2001, and implemented the described program upon the opening of the expanded facilities. **The WSCTC accepts the Truck Bridge limitation, and commits to this condition in the PUDA.**

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3. **Canopy Maintenance - In compliance**

Condition:

The WSCTC shall submit to DCLU for its approval a maintenance plan which will describe measures for cleaning the glass Canopy on a regular basis. The Canopy shall be regularly cleaned inside and outside to avoid any accumulation of dirt or grime. Measures will be taken to prevent roosting by birds in areas under the Canopy.

Compliance Status:

Cleaning mechanisms have been incorporated into the Canopy to facilitate meeting this goal. A moveable curved ladder structure allows access to the top of the Canopy glass. A moveable, suspended window-washing platform will allow access to the underside of the Canopy. The "Canopy Maintenance Plan" was submitted to DCLU/SEATRAN in February 2001. The Plan describes the procedures and frequency for Canopy cleaning. **The WSCTC commits to adherence to Canopy maintenance in the PUDA.**

4. **8<sup>th</sup> Avenue Cover - (a) In compliance, (b) In compliance**

Condition:

[a] The structure above Eighth Avenue shall have at a minimum the setback from Eighth Avenue [should read "Pike Street"] shown on WSCTC drawings dated March 1, 1998 [should read "November 24, 1998"] and shall be constructed with at least those contrasting materials shown on the façade drawings dated March 1, 1998 (The Street Experience: Visual Appendix to the Art/Streetscape Plan and Lighting Plan). [b] WSCTC shall provide additional art elements, seasonal plantings, and/or seating under the cover to enliven the pedestrian atmosphere.

Compliance Status:

(a) 8<sup>th</sup> Avenue Setback/Materials:

The building permit drawings dated November 24, 1998 and approved under the building permit issued by DCLU on June 16, 1999 include the setback and material features described in the Condition. The setback of the façade over 8<sup>th</sup> Avenue has been constructed and the exterior finishes are complete.

(b) Additional 8<sup>th</sup> Avenue Streetscape Elements:

As described in the revised *Art and Streetscape Program and Plan* (dated January 21, 2000; page 13; Ref. CCUP Condition 10.(a)), vertical elements constructed of tubular steel and perforated metal on a concrete base have been placed on each side of 8<sup>th</sup> Avenue, within the covered space. Two of the banner elements are placed on either side of 8<sup>th</sup>, just back of the covered area at Pike Street, creating a portal for the space. Beyond that to the north, four additional elements are placed in an alternating pattern on either side of the street. **The WSCTC commits to adherence to Canopy maintenance in the PUDA.**

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5. **Community Mitigation - (a)/(b) In compliance, (c) In compliance**

**Condition:**

The WSCTC has offered, and the City Council hereby accepts, a voluntary package of additional community mitigation items which consist[s] of (a) an additional \$250,000 to be spent on streetscape improvements, or the parks at Pike/Pine/Boren as determined by the appropriate City Departments, in consultation with the neighborhood and WSCTC, (b) an additional \$30,000 to be directed to a Restricted Parking Zone, signage and/or meters in the Pike/Pine area as determined by SEATLAN in accordance with adopted neighborhood plans; and (c) installation of improved lighting on the existing level four plaza, Hubbell Place walkway and Union Street steps, up to a cost of \$200,000. The lighting will be provided by WSCTC no later than two years from the date of this approval. The additional mitigation funds will be provided to the City in a lump sum payment of \$280,000 prior to building permit issuance for the bridge structures.

**Compliance Status:**

**(a)/(b) Community Mitigation Funding:**

The Convention Center transmitted \$280,000 to the City on May 7, 1999 (Ref: WSCTC check #1719, dated May 6, 1999, amount \$30,000; WSCTC check #1720, dated May 6, 1999, amount \$250,000).

**(c) South Plaza Lighting:**

Starting on August 26, 1999, lighting was added to areas around the existing Convention Center, including:

- Level 2 plaza leading to Two Union Square
- Southside transition stairways above Union Street
- Level 4 plaza
- Hubbell Place walkway

The objective of the additional lighting was to make the pedestrian areas around the south and east sides of the WSCTC feel safer and more inviting. The design, by Genette Beaudette Architectural Lighting, Inc., included 15-foot light poles with integral "T4A" fixtures and standard "wallpack" fixtures. Installation of the lighting was completed on October 31, 1999.

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6. **Visual Mitigation - (a) In compliance, (b) In compliance, (c) In compliance**

**Condition:**

*WSCTC will provide additional mitigation to the streetscape as follows: (a) WSCTC is encouraged to participate with concerned agencies and property owners in an effort to reduce the clutter of signs and other visual obstructions in the area around the Washington [State] Department of Transportation traffic island at the north side of Ninth and Pike; (b) WSCTC shall provide display windows on the north side of Pike Street at Eighth Avenue as depicted in the current design and require a display with visual interest that will attract pedestrians; and (c) WSCTC shall provide additional sidewalk elements or uses that will [provide] additional visual interest and pedestrian activity at the northwest corner of 9<sup>th</sup> Avenue and Pike.*

**Compliance Status:**

**(a) 9<sup>th</sup>/Pike Signs/Visual Obstructions:**

Prior to the initiation of the Expansion Project, trucks accessing the Paramount Theatre's loading dock on 9<sup>th</sup> Avenue regularly utilized the sidewalk and surface parking lot directly across the street from the dock in their maneuvering. To facilitate the Theatre's loading following development of the Expansion site, the Convention Center 1) relocated the entrance to the NE Block parking area to be directly across from the Theatre's dock (Ref: CCUP Condition 15), and 2) redesigned the traffic island at 9<sup>th</sup> and Pike to provide more space for truck maneuvering (Ref: CCUP Condition 58). In the context of obtaining approval from the State Department of Transportation (DOT) to reduce the size of the traffic island, the WSCTC proposed improving the visual impact of the various traffic control devices at that location. In the plan as constructed, one sign was eliminated, the railing system was removed, and asphalt was replaced with landscaping.

**(b) MOHAI Display Windows:**

The Convention Center obtained a commitment from the Museum of History & Industry (MOHAI) to maintain interesting materials and objects from their collections in the large display windows facing Pike. During its temporary occupancy of the museum space, the Seattle Public Library has placed graphic banners in the Pike Street and 9<sup>th</sup> Avenue display windows. On-going Library activities are easily visible through many of the facilities windows, and the Library, by its nature, draws a large number of pedestrians to the area. **The WSCTC commits to this portion of the condition in the PUDA.**

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(c) 9<sup>th</sup>/Pike Improvements:

An improvement to the pedestrian environment was made at the 9<sup>th</sup> and Pike intersection. In cooperation with the WSDOT, the following improvements were made:

- Widened the Pike Street bridge north sidewalk;
- Moved the wheelchair ramp to the western point, in line with the pedestrian path;
- Removed asphalt in a defined area between I-5 and the Express Lanes on-ramp;
- Relocated the pole with the crosswalk button;
- Widened the crosswalk across 9<sup>th</sup>;
- Added landscaping on the island and along the margins of the on-ramp.

In addition to the major improvements described above, two electric power outlets were added to the building façade at the northwest corner of the 9<sup>th</sup> and Pike intersection, which can be made available for potential vendor/cart use by adjacent retailers.

7. **Construction Advisory Group - In compliance**

Condition:

WSCTC shall extend the operation of the Construction Advisory Committee, which was formed to monitor construction and initial operation, through the first major exhibit or show drawing local patrons. The Committee shall keep neighboring businesses and residents advised of local impacts from operation[s].

Compliance Status:

The Construction Advisory Group (CAG) met regularly, starting prior to inception of construction in January 1999. The CAG included representatives from businesses and residences immediately adjacent to the construction site. Also represented were nearby neighborhoods. City staff and representatives from the co-development owners and from the general contractors were regular attendees. The CAG continued its schedule through the first major exhibit following the opening of the expanded facilities, the "Seattle Gift Show" in August 2001.

8. **Community Liaison - In compliance**

Condition:

WSCTC shall provide a community liaison position during construction and operation of the Convention Center facility. The liaison shall work with the neighboring businesses and residents to resolve traffic, parking, noise and other environmental, construction and operation[al] issues. The liaison shall be available to answer questions and keep the WSCTC informed as to community issues. The telephone number of the liaison shall be posted at the Convention Center and shall be advertised in newspapers serving adjacent communities at least once per month during construction of the facility, and after construction, at least quarterly.

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Compliance Status:

Glenn Weiss filled the position of Community Liaison in January 1999. As construction activities commenced, Mr. Weiss worked with neighboring businesses and residents to facilitate communications about the Expansion and potential impacts from construction and about large-scale events potentially impacting neighbors. Following Mr. Weiss' departure in August 2000, the Community Liaison responsibilities were assigned to Daniel Johnson. With the completion of general construction, responsibility for the Community Liaison activities was transferred to the Convention Center's Support Services Department, which has on-going community relations responsibilities. **The WSCTC commits to this condition in the PUDA.**

9. **Carpool Space Replacement - In compliance**

Condition:

WSCTC shall replace the 22 carpool spaces on Pike Street that will be displaced or made less viable because of the project within the Convention Center parking garage.

Compliance Status:

Only 14 spaces were displaced by the project and have been provided for in the Convention Center's main parking garage, effective June 23, 1999. **The WSCTC commits to this condition in the PUDA.**

10. **Downtown Transit Improvements - Condition is noted**

Condition:

WSCTC is encouraged to participate with public agencies and others in developing a public bus circulator system and/or expansion of the downtown free-ride zone.

Compliance Status:

The WSCTC participated in the City's Downtown Wayfinding Project where this issue was discussed. The Convention Center may in the future take a position regarding downtown transit improvements.

11. **Design Commission - In compliance**

Condition:

WSCTC shall continue to work with the Seattle Design Commission to implement the design as presented to the City Council as it relates to improvements in the public rights of way and lobby, which include the art plan, the paving plan, and the main lobby program and plan, and shall incorporate its recommendations where feasible.



**Compliance Status:**

On September 16, 1999, the Design Commission reviewed the *Lighting Plan*, the *Main Lobby Program and Plan*, and concepts for improvements to the northeast portion of the 9<sup>th</sup> and Pike intersection. In a follow-on meeting December 2, 1999, WSCTC brought the primary lighting designer to the Commission, to provide information on how the permitted design met the design objectives established for exterior lighting. An updated *Lobby Plan*, incorporating Commission recommendations, was also presented. Recommendations from the Commission at those two meetings, particularly involving additional seating and artworks, were incorporated where feasible in the *Lobby Plan*. The *Lobby Plan* was approved by DCLU on December 21, 2000.

**12. SEATRAN Review - In compliance**

**Condition:**

SEATRAN review and approval shall be required for the proposed street improvements for ingress and egress, in-street loading and drop-off areas, and changes in street configuration and street signage.

**Compliance Status:**

Street-use permit application drawings were submitted in October 1998; comments were received in January 1999. Drawings were resubmitted in April 1999; comments were received in October 1999. During the spring of 2000, WSCTC and its consultants worked with SEATRAN staff to resolve the remaining issues, and the street-use permit was issued on July 31, 2000.

**13. Signage - In compliance**

**Condition:**

The WSCTC shall participate in the City wayfinding project, as it develops its signage plan pursuant to its Council conditional use permit.

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Compliance Status:

WSCTC staff actively participated in the Stakeholders Group for the Downtown Wayfinding Project. As part of the *Plan for Directional and Locational Signs* (Ref: CCUP Condition 10.(e)), the WSCTC committed up to \$40,000 toward the procurement and installation of pedestrian directional signage in the area proximal to the Convention Center. The signs were subsequently fabricated by SignTech, the vendor selected by the City, under contract to the WSCTC. The first of the five signs provided by the Convention Center was installed on November 14, 1999, with three more installed prior to the WTO Ministerial Conference later that month. Installation of the fifth sign, located on Pike Street west of Boren Avenue, was installed following pole placement by SDOT.

14. As-built Drawings - Will comply

Condition:

Prior to passage of the final street vacation ordinance, the WSCTC shall provide "as built" drawings to DCLU and SEATRAN for the purpose of defining a three dimensional space of air-rights for the area over Pike and Eighth Avenue. The final vacation ordinance shall reference such drawings and limit the air-rights to be vacated to the minimum necessary to accommodate the built structures.

Compliance Status:

A post-construction survey has been completed, which provides the legal descriptions of the areas to be vacated to make room for the built structures. Final as-built drawings of applicable areas will be provided to DCLU and SDOT when available from the general contractor. **The WSCTC commits to this condition in the PUDA.**

15. Utilities - In compliance

Condition:

Any outstanding utility issues shall be resolved to the satisfaction of the affected utilities at the sole expense of WSCTC or its co-development partners. This may include easements, restrictive covenants, or relocation agreements.

Compliance Status:

The WSCTC and METRO Transit executed an agreement concerning temporary rerouting of trolley lines from 8<sup>th</sup> to 7<sup>th</sup> Avenues dated June 30, 1999. WSCTC worked with Seattle City Light to provide conduits for permanent power. Additional arrangements were made with the affected utilities, e.g., Seattle Public Utilities, as the need arose.

CITY  
CLERK

16. **Accountability - In Compliance**

**Condition:**

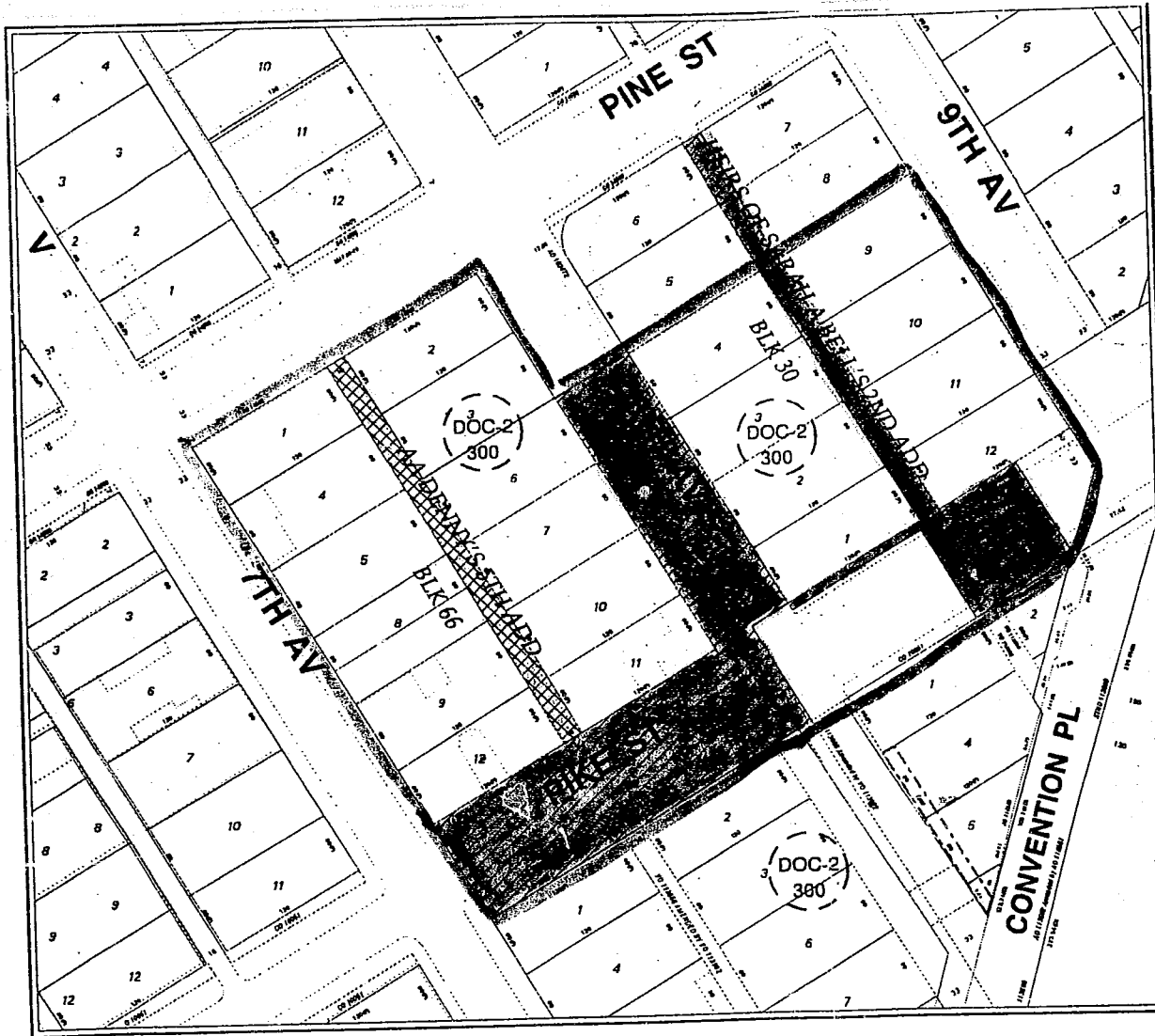
*WSCTC shall work with SEATRAN and the Office of the City Attorney to develop a Property Use and Development Agreement (PUDA) to ensure compliance with vacation conditions that cannot be fully satisfied prior to the passage of a vacation ordinance.*

**Compliance Status:**

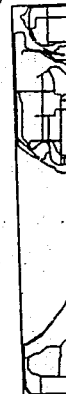
A PUDA was developed by the City Attorney, in conjunction with WSCTC counsel. In accordance with City procedures, the PUDA has been executed by the Convention Center prior to final passage of the ordinance implementing the street/alley vacations.

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Scale: 1" = 100'



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SURFA



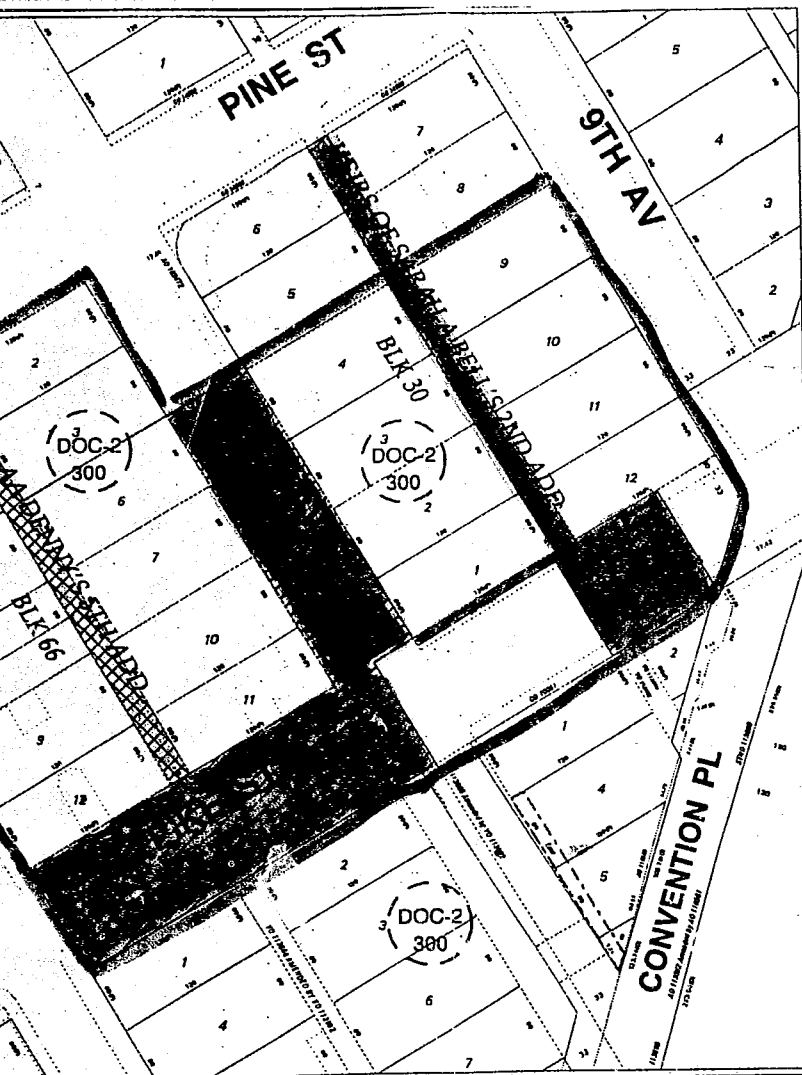
AERIA

TOTAL SURFACE  
ALLEY VACATION  
TOTAL AERIAL VACAT  
Washington Stat  
Trade Center Ex

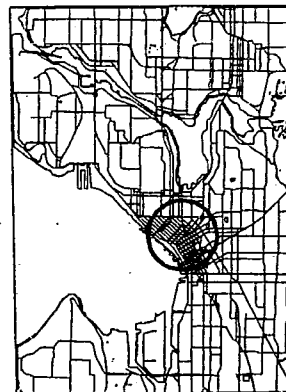
SCALE 1"=100' KROLL 40W

**VACATION**

CITY COMPTROLLER FILE NO. \_\_\_\_\_  
VACATION PETITION NO. 3789  
VALID SIGNATURES INDICATED BY  
DISPOSITION:  
APPRVD \_\_\_\_\_ DENIED \_\_\_\_\_  
INCOMPLETE SIGNATURES INDICA  
VACATION ORDINANCE NO. \_\_\_\_\_  
MADE BY LMK CHECKED BY M



Scale: 1" = 100'



VICINITY MAP

2628



SURFACE ALLEY VACATION



AERIAL VACATION

TOTAL SURFACE  
ALLEY VACATION = 5,488 SQ. FT.  
TOTAL AERIAL VACATION = 53,958 SQ. FT

Washington State Convention &  
Trade Center Expansion Project

SCALE 1"=100' KROLL 40W 1/4 SECTION NW 32-25-4

### VACATION SKETCH

CITY COMPTROLLER FILE NO. 301557  
 VACATION PETITION NO. 3788  
 VALID SIGNATURES INDICATED BY \_\_\_\_\_  
 DISPOSITION:  
 APPROVD \_\_\_\_\_ DENIED \_\_\_\_\_ TERMINATED \_\_\_\_\_  
 INCOMPLETE SIGNATURES INDICATED BY \_\_\_\_\_  
 VACATION ORDINANCE NO. \_\_\_\_\_ DATE \_\_\_\_\_  
 MADE BY LMK CHECKED BY MLS DATE 1-17-97

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## City of Seattle

Gregory J. Nickels, Mayor

### Office of the Mayor

February 21, 2003

Honorable Peter Steinbrueck  
President  
Seattle City Council  
Municipal Building, 11<sup>th</sup> Floor

Dear Council President Steinbrueck:

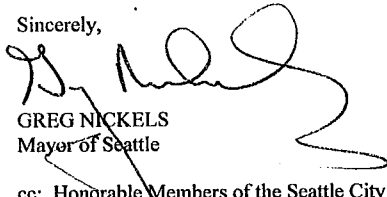
The attached ordinance vacates rights-of-way for the Washington State Convention and Trade Center (WSCTC) expansion project (Clerk File 301557). The vacation includes an alley and five air rights north of the existing trade center in the block bounded by Pike and Pine Streets and 7th and 8th Avenues and into a portion of the block bounded by Pike and Pine Streets and 8th and 9th Avenues. The legislation also accepts a Property Use and Development Agreement related to the Council requirements. The City Council granted approval of the vacation petition in 1999.

The completed expansion project which opened last year includes 250,000 square feet of new convention space including heavy-load exhibit space, pre-function space, meeting rooms and lobby areas. The project adds an open truck bridge and new loading dock and the enclosed exhibit and pedestrian bridge with a barrel-vault glass canopy over Pike Street. The expansion included co-development projects, such as the office building, a hotel and the Museum of History and Industry (MOHAI). Both the office and the hotel are functioning. The MOHAI site is housing the temporary library until the new facility is finished. The WSCTC has addressed and mitigated issues identified through the vacation review process, including design, public open space, art, lighting, parking and community impacts. The list of conditions imposed by the City Council is attached to this cover letter.

The petitioner has satisfied all the conditions of the vacation or provided for those in the Property Use and Development Agreement to be accepted in the legislation. As a state agency, the petitioner is exempt from the requirement of a vacation fee.

Thank you for your consideration of this legislation. Should you have questions please contact Moira Gray at 684-8272.

Sincerely,

  
GREG NICKELS  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 12<sup>th</sup> Floor, Seattle, WA 98104-1873

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, E-mail: [mayors.office@ci.seattle.wa.us](mailto:mayors.office@ci.seattle.wa.us)

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STATE OF WASHINGTON - KING COUNTY

--SS.

157571  
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

**Affidavit of Publication**

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORDINANCE 121113

was published on

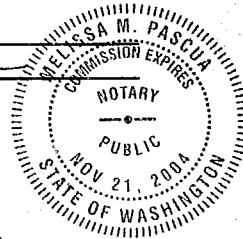
4/24/2003

JS  
Subscribed and sworn to before me on

4/24/2003

Melissa M. Pascua  
Notary public for the State of Washington,  
residing in Seattle

Affidavit of Publication



## State of Washington, King County

### City of Seattle

#### ORDINANCE 181119

AN ORDINANCE vacating the alley in Block 66, A. A. Denny's 5th Addition to the City of Seattle, aerial rights over the southerly 200 feet of 8th Avenue between Pike Street and Pine Street, aerial rights over the alley in Block 50, Heirs of Sarah A. Bell's 2nd Addition located between 8th and 9th Avenue and Pine and Pike Street, aerial rights over a portion of Pike Street from 7th Avenue to the centerline of 8th Avenue, aerial rights of portions of Pike Street between 8th and 9th Avenues, all more fully described herein, on the petition of the Washington State Convention and Trade Center, and accepting a Property Use and Development Agreement, in relation hereto. (Clerk File 801657)

WHEREAS, there has been filed with the City Council the petition of the Washington State Convention and Trade Center (Clerk File 801657) for the vacation of rights-of-way as here fully described; and

WHEREAS, following a public hearing on said petition, which commenced on February 17, 1999, said petition was conditionally granted by the City Council; and

WHEREAS, the vacation conditions required by the Seattle City Council either have been fulfilled or the petitioner has guaranteed ongoing fulfillment through the attached Property Use and Development Agreement; and

WHEREAS, pursuant to Seattle Municipal Code Chapter 15.02, the petitioner is exempt for the street vacation fee; NOW, THEREFORE,

#### BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That the portions of rights-of-way described in Attachment A, be and the same are hereby vacated; also RESERVING to the City of Seattle the right to make all necessary slopes for cuts or fills upon the above-described property in the reasonable original grading of any rights-of-way abutting upon said property after said vacation.

Section 2. That the Property Use and Development Agreement, Recording Number 200218001801, executed by the Washington State Convention and Trade Center, a copy attached hereto as Attachment B, is hereby accepted.

Section 3. That the City Clerk is hereby authorized and directed to file a copy of this Ordinance at the King County Records and Elections Division, and to deliver copies of the same to the Director of the Department of Design, Construction and Land Use, and to the King County Assessor's Office.

Section 4. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 7th day of April, 2003, and signed by me in open session in authentication of its passage this 7th day of April, 2003.

HEIDI WILLS,

President pro tem of the City Council.

Approved by me this 17th day of April, 2003.

GREGORY J. NICKELS,

Mayor.

Filed by me this 17th day of April, 2003.

(Seal) JUDITH PIPPIN,

City Clerk.

Attachment A: Descriptions of the portions of rights-of-way being vacated.

Attachment B: Property Use and Development Agreement.

Publication ordered by Judith Pippin, City Clerk.

Date of publication in the Seattle Daily Journal of Commerce, April 24, 2003.

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